

Appl. No. 09/972,167

Amdt. Dated August 31, 2005

Reply to Office Action of July 1, 2005

REMARKS

This is a full and timely response to the final Office action mailed July 1, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Upon entry of this amendment, Claims 1, 2, 6, 7, 9, 10, 17, 19, 21-25, 27, 28, and 30 will be pending in this application, with Claims 1, 22, 28, and 30 being the independent claims. Claims 1, 17, 19, 21, 22, 28, and 30 are amended herein, and Claims 3-5, 8, 11-16, 18, 20, 26, and 29 are canceled. No new matter is believed to have been added.

Rejections Under 35 U.S.C. § 103

Claims 1-3, 6, 7, 9, 11-13, 16-19, 21-25, and 27-30 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Nos. 5,414,462 (Veatch), 4,220,994 (Hendrickson), and International Application Publication No. WO 99/56082 (Agnew), and Claims 4, 5, 14, and 15 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Veatch, Hendrickson, Agnew, and U.S. Patent No. 3,748,644 (Tisdale). These rejections are respectfully traversed.

Independent Claim 1 relates to a method for geographically referencing an improvement image, and independent Claim 22 relates to a method for combining an improvement image with geographically referenced information to produce a composite image. The methods encompassed by each of these independent claims now each recite, *inter alia*, superimposing position data upon the improvement image, the superimposed position data denoting geographic positions and image positions of at least two image reference points that depict features, extracting the superimposed position data for each of the at least two image reference points, interpreting a geographic position for each of the features based on the extracted superimposed position data, interpreting an image position for each of the features based on the extracted superimposed position data.

Independent Claims 28 and 30 relate to a system for geographically referencing an improvement image, and a system for combining an improvement image with

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geographically referenced information, respectively, each of which includes a processor for implementing the methods of independent Claims 1 and 22, respectively.

Vaetch relates to a system and method for generating land survey maps that include both image data and survey data, and discloses digitizing an aerial photograph of a geographic survey region to form a digital image thereof, and displaying the digital image on a display unit for identification and marking of fixed ground reference points. More specifically, an operator, using an interface device, marks each of the fixed ground reference points and enters their known longitude, latitude, and elevation. A processing unit then correlates the operator-entered data with the digital image data to generate an image base map for the geographic survey area that is corrected to represent a true planimetric image of the geographic survey area, and stores the image base map in the memory unit. Alternatively, the fixed reference points can also be automatically identified in lieu of manual identification and marking by an operator (col. 4, ll. 32-56).

Hendrickson relates to a system and method for assisting pilots in performing preflight and in-flight navigation planning and computations, and discloses that the system implements five mathematical subroutines to resolve various navigational problems. For example, during flight plan preparation the pilot obtains detailed information about the destination airport, the departure airport, and any other airport on the itinerary. The system extracts the latitude and longitude of each airport from a data base and, using these data, determines distances and headings between these airports.

Agnew relates to a system and method for referencing a map with respect to an image digitizer that determines parameters of a revised mapping based on a correlation between coordinates of the digitizer and map coordinates.

After careful review of each of the cited references, Applicant submits that none of Vaetch, Hendrickson or Agnew disclose, or even remotely suggest, at least the above-noted features of independent Claims 1, 22, 28, and 30. Namely, none of these references discloses or suggests at least superimposing position data upon the improvement image, the superimposed position data denoting geographic positions and image positions of at least two image reference points that depict features, extracting the superimposed position data for each of the at least two image reference points, interpreting a geographic position

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for each of the features based on the extracted superimposed position data, interpreting an image position for each of the features based on the extracted superimposed position data.

In view of the foregoing, Applicant submits that none of Veatch, Hendrickson, or Agnew, either alone or in any combination thereof, suggests at least the features recited in independent Claims 1, 22, 28, or 30. Furthermore, Tisdale and the other art of record have been reviewed and are not understood to make up for the deficiencies of these citations. As such, Applicant requests reconsideration and withdrawal of the § 103 rejections.

Conclusion

Based on the above, independent Claims 1, 22, 28, and 30 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

This Amendment Pursuant to 37 C.F.R. § 1.116 is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This amendment was not earlier presented because Applicant earnestly believed the prior amendment placed the subject application in condition for allowance. Accordingly, entry of this amendment is respectfully requested.

Moreover, entry and consideration of this amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The amendment overcomes all of the rejections set forth in the above-noted Office action. The amendment does not raise new issues requiring further search or consideration. Additionally, the present amendment places the application in better form for appeal, which Applicant fully intends to pursue, if necessary. Therefore, entry and consideration of the present amendment are proper under 37 C.F.R. § 1.116 and are hereby requested.

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Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

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